

STATUTORY RULES.

156
1936. No. .

REGULATIONS UNDER THE AIR NAVIGATION ACT 1920.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Air Navigation Act 1920*.

Dated this *Twenty 8th*
day of *November*, 1936.

(SGD.) GOWRIE.

Governor-General.

By His Excellency's Command,

(sgd) Archdale Parkhill
Minister of State for Defence.

AIR NAVIGATION REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Air Navigation Citation Regulations.

2. These Regulations are divided into Parts, as follows:—

- | | Parts. |
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| Part I.—Preliminary. | |
| Part II.—Conditions of Flight over Australian Territory. | |
| Part III.—Registration of Australian Aircraft. | |
| Part IV.—Marking of Australian Aircraft. | |
| Part V.—Certificates of Airworthiness. | |
| Part VI.—Certificates of Competency and Licences. | |
| Part VII.—Log-books. | |
| Part VIII.—Aerodromes. | |
| Part IX.—Rules as to Lights and Signals and Rules for Air Traffic. | |
| Part X.—International Airways. | |
| Part XI.—General Provisions as to Licences, Certificates and Authorities. | |
| Part XII.—Miscellaneous. | |

3. The Air Navigation Regulations (being Statutory Rules 1921, Repeal. No. 33, as amended by Statutory Rules 1927, No. 148; 1929, No. 49; 1931, Nos. 8 and 41; and 1932, No. 8) are repealed.

* Notified in the *Commonwealth Gazette* on , 1936.
4283.—12/25.11.1936.—PRICE 1s.

4.—(1.) In these Regulations, unless the contrary intention appears—

- “aerial work aircraft” means all aircraft used for an industrial or commercial purpose or any lucrative purpose other than transport of the kind specified in this regulation in the definition of “public transport aircraft”;
- “aerodrome” means any definite ground or water area used or intended to be used, either wholly or in part, for the landing or departure of aircraft, and includes the landing area, neutral zone, and building area included within such ground or water area;
- “aerodyne” means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air;
- “aerostat” means an aircraft supported in the air statically;
- “aircraft” means any machine which derives support in the atmosphere from reactions of the air, and includes all balloons, whether fixed or free, airships, gyroplanes, aeroplanes, and, except in Parts III. and V., gliders and kites;
- “airship” means a mechanically driven aerostat with means of directional control;
- “amphibian” means a mechanically-driven aerodyne fitted with landing gear to enable it to land with safety on either land or water;
- “approved” means approved by the Board;
- “Australian territory” includes the Commonwealth and all Territories under the authority of the Commonwealth and Territories governed by the Commonwealth under a mandate;
- “authorized” means authorized by the Board;
- “balloon” means an aerostat, either captive or free, non-mechanically driven;
- “Contracting State” means any State which is for the time being a party to the Convention for the Regulation of Aerial Navigation signed in Paris on the thirteenth day of October, 1919;
- “glider” means an aircraft heavier than air, having no means of mechanical propulsion, but having means of directional control;
- “licensed” means licensed under these Regulations;
- “military aircraft” means naval, military or air force aircraft, and includes any aircraft commanded by a person in the naval, military or air force service who is detailed to command the aircraft;
- “operating crew,” in relation to any aircraft, includes every person acting as commander, pilot, navigator, radio operator or air engineer, and also includes the stewards and stewardesses of the aircraft;
- “passenger” means any person carried for hire or reward in any aircraft, and includes any person actually carried in a public transport aircraft, other than members of the operating crew, licensed ground engineers and person authorized to inspect aircraft;

"personnel," in relation to any aircraft, includes any commander, pilot, navigator, radio operator, air engineer, and any other member of the operating crew;

"private aircraft" means all aircraft used for purposes other than those specified in this regulation in the definitions of "aerial work aircraft" and "public transport aircraft";

"prohibited area" means any area declared to be a prohibited area for the purposes of these Regulations;

"proprietor of an aerodrome" includes any person responsible for the management thereof;

"public transport aircraft" means all aircraft used for carrying persons or things for a remuneration of no matter what nature, or even without remuneration, if the transport is effected by an air transport undertaking;

"registered" means registered under these Regulations;

"the Board" means the Civil Aviation Board constituted under the Civil Aviation Board Regulations, and includes any person authorized by it to act for any purpose under these Regulations; and

"the Convention" means the Convention for the Regulation of Aerial Navigation signed in Paris on the thirteenth day of October, One thousand nine hundred and nineteen, and includes any amendments of the Convention made under article thirty-four thereof;

"the Secretary" means the Secretary to the Board.

(2.) For the purposes of these Regulations—

(a) an aircraft shall be deemed to possess the nationality of the Contracting State on the register of which it is entered; and

(b) an aircraft registered in pursuance of these Regulations shall be deemed to be an Australian aircraft.

5.—(1.) Except as otherwise prescribed in this regulation, the application of these Regulations shall be limited to—

Application of Regulations.

(a) aircraft engaged in international navigation; and

(b) aircraft engaged in air navigation in one or more of the Territories.

(2.) Part IX. of these Regulations shall apply to all aircraft engaged in air navigation or above Australian territory.

(3.) The provisions of Parts III., IV., V., VI., VII. and ~~XII.~~ of these Regulations shall not apply to foreign aircraft:

Provided that a foreign military aircraft shall not fly over or land in the Commonwealth or a Territory except on the express invitation, or with the express permission, of the Minister, but any aircraft so flying or landing on such invitation or with such permission shall be exempt from the provisions of these Regulations except to such extent as is specified in the invitation or permission.

(4.) These Regulations shall not apply to Australian military customs or police aircraft.

6.—(1.) The Minister may, by writing under his hand, delegate any of his powers or functions under these Regulations (except this power of delegation) in relation to any matter or class of matters, so

Delegation by Minister or the Board.

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that the delegated powers may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation.

(2.) The Board may, by writing under its seal, delegate any of its powers or functions under these Regulations (except this power of delegation) in relation to any matter or class of matters, so that the delegated powers may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation.

(3.) Every delegation under this regulation shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister or the Board, as the case may be.

PART II.—CONDITIONS OF FLIGHT ABOVE AUSTRALIAN TERRITORY.

7.—(1.) An aircraft to which these Regulations apply shall not fly above Australian territory unless— General conditions of flying.

- (a) the aircraft is registered and has a nationality mark and registration mark painted on or affixed to the aircraft in accordance with the requirements of Annex A to the Convention;
- (b) the aircraft is certified as airworthy in accordance with the conditions laid down in Annex B to the Convention;
- (c) the commanding officer, pilots, engineers and other members of the operating crew of the aircraft are, in accordance with the conditions laid down in Annex E to the Convention, provided with certificates of competency and licences issued or rendered valid by the contracting State whose nationality the aircraft possesses; and
- (d) the prescribed documents and log-books kept up to date in accordance with the provisions of Annex C to the Convention, are carried in the aircraft:

Provided that paragraphs (a), (b) and (d) of this sub-regulation shall not apply to aircraft flown, in accordance with the permission and directions of the Board, for the purpose of experiment or test only, within three miles of a licensed aerodrome, a Royal Australian Air Force aerodrome or an approved aerodrome:

Provided further that paragraph (c) of this sub-regulation, in so far as it relates to the licensing of the pilot, shall not apply within three miles of a licensed aerodrome or an approved aerodrome, in the case of persons making practice flights for the purpose of qualifying for the grant or renewal of a pilot's licence or undergoing official tests for that purpose

PART III.—REGISTRATION OF AUSTRALIAN AIRCRAFT.

8.—(1.) The Board shall keep a register of Australian aircraft and may grant to the owner of any aircraft (other than a glider or kite) a certificate of registration in respect of the aircraft. Certificates of registration of aircraft.

(2.) The entry in the register and the certificate of registration shall contain a description of the aircraft and shall indicate the number or other identification mark given to it by the manufacturer, the nationality and registration marks referred to in Part IV. of these Regulations, the usual station of the aircraft, the full name, nationality and residence of the owner and the date of registration.

(3.) The certificate of registration shall be in accordance with the form set out in Annex A to the Convention.

9. The Board may, if it thinks it desirable, require the applicant for a certificate of registration to make and subscribe a statutory declaration as to the truth of the facts set out in the application.

Applications for registration to be supported by statutory declarations.

10. Subject to these Regulations, a certificate of registration shall remain in force until cancelled or suspended by the Board in accordance with these Regulations.

Duration of certificates.

11.—(1.) Where there is any change in the ownership of a registered aircraft, the registered owner of the aircraft shall forthwith notify the Secretary of the change of ownership or that the aircraft has ceased to be so owned, as the case may be.

Change of ownership of aircraft.

(2.) Upon the expiration of 14 days from the date of the change of ownership or the date on which the aircraft ceased to be so owned, as the case may be, the registration and the certificate thereof shall become void but the Board may, subject to these Regulations, grant a fresh certificate to the new owner.

12. When a registered aircraft has been destroyed or permanently withdrawn from use, the owner of the aircraft shall forthwith notify the Secretary of the destruction or withdrawal, as the case may be, and the registration and the certificate thereof shall become void as from the date of such destruction or withdrawal.

Destruction, &c., of aircraft.

13.—(1.) The Board may—

Cancellation or suspension of registration.

- (a) cancel or suspend, for such period as it thinks fit, the registration of any aircraft if, in its opinion, sufficient reason exists for such cancellation or suspension; and
- (b) if, in its opinion, the grounds for cancellation or suspension no longer exist, restore the certificate of registration or remove the suspension thereof.

(2.) On the cancellation under this regulation of the registration of an aircraft, the certificate of registration granted in respect of the aircraft shall become void.

(3.) During the period of suspension under this regulation of the registration of an aircraft, the certificate of registration granted in respect of the aircraft shall be void.

14. The register of aircraft registered by the Commonwealth shall be open to inspection at such times and subject to such conditions as the Board directs.

Inspection of register of aircraft.

15. An aircraft shall not be registered under this Part while it is registered in any other country, but upon the cancellation of the registration of the aircraft in that other country, it may, subject to these Regulations, be registered under these Regulations.

Aircraft not to be registered in the Commonwealth if registered elsewhere.

PART IV.—MARKING OF AUSTRALIAN AIRCRAFT.

16. A registered aircraft shall bear a nationality mark and a registration mark, and shall carry, affixed to the fuselage in a prominent position, a metal plate inscribed with the name and address of the owner and the nationality and registration marks.

Nationality and registration marks.

17.—(1.) The nationality mark shall be the capital letters VH in Roman characters. Form of nationality and registration marks.

(2.) The registration mark shall be that assigned to it by the Board and shall consist of a group of three capital letters in Roman characters.

(3.) A hyphen equal to the width of one of the letters shall be placed immediately after the nationality mark.

18.—(1.) Except as otherwise provided in these Regulations, the nationality mark and the registration mark shall be painted on the aircraft in the following manner:— Manner of painting or affixing marks.

(a) In the case of aerostats being—

(i) airships, the marks shall be painted near the maximum cross-section so as to appear on both sides and on the upper surface equidistant from the letters on the sides;

(ii) spherical balloons, the marks shall be painted twice near the maximum horizontal circumference of the balloon and shall be placed as far as possible from one another; and

(iii) non-spherical balloons, the marks shall be painted near the maximum cross-section on both sides immediately above the rigging band on the points of attachment at the basket suspension cables;

(b) In the case of aeroplanes, the marks shall be painted—

(i) once on the lower surface of the main plane structure and once on the upper surface of the main plane structure, the top of the letters to be towards the leading edge; and

(ii) along each side of the fuselage or body between the main planes and the tail planes;

(c) In the case of other aerodynes, the provisions of paragraph (b) shall be applicable in so far as the aerodynes comprise corresponding elements on which marks can be placed.

(2.) In the case of all aerostats, the side marks shall be so placed as to be visible both from the sides and from the ground.

(3.) For the purposes of this regulation, a mark shall be deemed to be painted if it is affixed to an aircraft by such means as will ensure that the mark will be as permanent as if painted on the aircraft. ~~aircraft.~~

19.—(1.) Nationality marks and registration marks shall be displayed to the best possible advantage having regard to the constructional features of the aircraft, and shall be of such a colour in relation to the colour of the background on which they are painted as will render them clearly legible. Marks to be displayed to advantage.

(2.) The marks shall always be kept clean and visible.

20. Subject to regulation 21, the height of the letters to be painted on aircraft shall be as follows:— Height of marks.

(a) In the case of aerostats being—

(i) airships and non-spherical balloons, the height of the marks shall be equal to at least one-twelfth of the perimeter of the airship or balloon at its maximum cross-section;

- (ii) spherical balloons, the height of the marks shall be equal to at least one-fifteenth of the maximum horizontal circumference of the balloon;
- (b) In the case of aeroplanes, the marks to be painted on the wings of the fuselage or body of an aeroplane shall, as regards each group of marks, be formed of letters of equal height, as large as possible, without however touching the visible outline of the wings, the fuselage or the body:

Provided that it shall not be necessary for the letters of the nationality marks and registration marks on any aircraft to exceed 8 feet in height.

21. Where the constructional features of an aircraft do not admit of compliance with any of the provisions of regulations 18 and 20 applicable to that aircraft, the nationality mark and registration mark shall be painted on or affixed to the aircraft in such manner, and the letters constituting the marks shall be of such height, as is approved by the Board.

Affixing of marks in exceptional cases.

22. As nearly as the constructional features of the aircraft admit, the following provisions with respect to the letters in a nationality mark or registration mark shall be complied with:—

Width and thickness of letters or numbers in marks, &c.

- (a) The width of the letters shall be two-thirds of their height;
- (b) The thickness of the letters shall be one-sixth of their height;
- (c) Except as expressly prescribed in any other regulation, a space equal to one-half the width of the letters shall be left between the letters; and
- (d) The letters shall be in plain block type of a uniform shape and size.

PART V.—CERTIFICATES OF AIRWORTHINESS.

23.—(1.) The Board may grant to a manufacturer of aircraft, aircraft engines, airscrews or other components of an aircraft a certificate of type approval:

Certificates of type approval.

Provided that a certificate shall not be granted under this regulation unless the Board is satisfied that the type satisfies the requirements of the Convention.

(2.) An application for a certificate shall be supported by such design and test data and information regarding manufacturing facilities available as the Board requires.

(3.) The design and test data shall bear the signature of a responsible engineer.

24.—(1.) An aircraft constructed under a certificate of type approval may be granted a certificate of airworthiness if the following conditions have been fulfilled to the satisfaction of the Board:—

Certificates of airworthiness of aircraft constructed under certificates of type approval.

- (a) The aircraft has been constructed in accordance with the terms of the certificate of type approval and the drawings and data constituting the design specified in that certificate; or, where there is any modification of the design, and the data relating to the modification have been supplied by the manufacturer and have been approved by the Board, in accordance with the terms of that certificate and the drawings and data, with the approved modifications;

- (b) The construction of the aircraft is satisfactory as regards workmanship and materials used;
- (c) The aircraft is fitted with suitable instruments and equipment for safe navigation; and
- (d) The aircraft has been subjected to flying trials in accordance with the directions of the Board.

(2.) The Board may at any time require any additional tests, inspections or reports which are, in its opinion, necessary to prove the airworthiness of the aircraft.

25.—(1.) Aircraft (other than those referred to in the next succeeding regulation) which are not constructed under a certificate of type approval may be granted a certificate of airworthiness if all the requirements specified in paragraphs (b), (c) and (d) of the last preceding regulation have been complied with, to the satisfaction of the Board, and the design of the aircraft is in accordance with the requirements of Annex B to the Convention.

Certificates of airworthiness of aircraft not constructed under certificates of type approval.

(2.) An application for a certificate of airworthiness in respect of any such aircraft shall be accompanied by data similar to that required for the issue of a certificate of type approval.

26. Where application is made for the registration by the Commonwealth of an aircraft in respect of which a certificate of airworthiness has been granted by the competent authority in any other country and the certificate is, at the time of application, still in force, the Board may, if satisfied as to the airworthiness of the aircraft, and compliance with the requirements of Annex B to the Convention, grant a certificate of airworthiness for the aircraft subject to such conditions and limitations as it thinks fit.

Certificate of airworthiness of aircraft certificated elsewhere.

27.—(1.) Subject to these Regulations, a certificate of airworthiness shall be valid only for the period specified therein.

Duration of certificates of airworthiness.

(2.) The certificate may be renewed from time to time for any period not exceeding twelve months.

(3.) Before any renewal is granted, the applicant shall furnish to the Board such evidence as to the existing condition of the aircraft as the Board requires.

28.—(1.) If at any time the Board considers that any modifications are necessary to an aircraft in respect of which a certificate of airworthiness is in force in order to ensure its safety, the Board may require the modifications to be carried out as a condition of the certificate remaining in force.

Modifications affecting the safety of aircraft.

(2.) The owner of an aircraft, in respect of which a certificate of airworthiness is in force, shall not, without first obtaining the approval of the Board, carry out any modifications (including changes of equipment or installation) which affect, or are likely to affect, the safety of the aircraft.

(3.) Before any such approval is granted, the owner shall furnish the Board with copies of such design, data, calculations, drawings and reports on tests as the Board requires.

29.—(1.) A certificate of airworthiness issued under this Part shall be deemed to be suspended during any period during which the following circumstances exist:—

Cancellation or suspension of certificates of airworthiness.

- (a) The aircraft has not, within the prescribed period prior to a flight, been inspected and certified as safe for flight in accordance with this regulation; or

- (b) During that period the aircraft has landed owing to a defect which is not such as would, in accordance with ordinary aeronautical practice, be remedied by the pilot or crew, and has not subsequently been inspected and certified in accordance with this regulation:

Provided that this sub-regulation shall not apply to an aircraft which, after leaving the place where it was last so certified, has been accidentally delayed through some cause other than a defect mentioned in paragraph (b) of this sub-regulation and is proceeding to a destination which but for the delay it would have reached within that period since it was so certified:

Provided further that this regulation shall not be construed as requiring an aircraft which is actually in flight to land for the purposes of inspection.

(2.) Every inspection shall be made, in accordance with any directions of the Board, by a ground engineer or ground engineers licensed for that purpose.

(3.) If the result of the inspection is satisfactory, a certificate stating that the aircraft is safe for flight shall be signed in duplicate by the ground engineer or ground engineers who made the inspection.

(4.) The certificate shall be countersigned by the pilot, and the time and date of certification shall be shown thereon.

(5.) For the purposes of this regulation, "the prescribed period" shall be—

(a) in the case of a public transport aircraft—a period of 24 hours; and

(b) in the case of an aerial work aircraft—a period of 7 days;

(c) in the case of any aircraft other than a public transport or aerial work aircraft—a period of 30 days;

and every such period shall be reckoned from the time and date stated in the certificate as the time and date when the inspection was completed.

(6.) Every such certificate shall, on demand, be produced for the inspection of any person authorized for the purpose by the Board.

(7.) The Board may, if satisfied at any time that reasonable doubt exists as to the safety of any aircraft or of the type to which any aircraft belongs, cancel or suspend the certificate of airworthiness issued in respect of the aircraft, ~~and~~ ^{(3a) 4.}

~~(8.) The Board may, if satisfied that the grounds for cancellation or suspension no longer exist, restore the certificate or remove the suspension.~~

30.—(1.) The Board may from time to time require that any aircraft in respect of which a certificate of airworthiness has been granted ^{Inspection of aircraft.} under this Part shall be inspected, either in whole or in part, by a ground engineer or ground engineers appointed by the owner or the user of the aircraft and licensed for the purpose under regulation 35.

(2.) The Board may require a report from such ground engineer or ground engineers as to the condition and airworthiness of the aircraft or any part of it, and may, after considering the report, require the further inspection, overhaul, repair or modification of the aircraft if, in the opinion of the Board, necessary to ensure the airworthiness of the aircraft.

(3.) If the report is not received within the time specified by the Board or if it is not satisfactory, the Board may cancel or suspend the certificate of airworthiness or the certificate of registration, or both.

(4.) The cancellation or suspension may be revoked upon receipt of satisfactory evidence that the aircraft has been inspected, overhauled, repaired or modified, as the case may be, to the satisfaction of the Board.

(5.) Notwithstanding anything contained in this regulation, the Board may at any time require any aircraft to which this regulation applies to be inspected by a person authorized for that purpose by the Board, and the Board may, if not satisfied as to the condition and airworthiness of the aircraft, cancel or suspend the certificate of airworthiness of the aircraft.

31.—(1.) When a registered aircraft in respect of which a Certificate of Airworthiness has been granted under this Part sustains major damage the certificate of airworthiness in force at the time shall thereupon be suspended until such time as the aircraft has been inspected, repaired, and certified as airworthy by a ground engineer or engineers licensed to certify to such aircraft after overhaul. Major damage to aircraft.

(2.) The certificate of the ground engineer or engineers shall be forwarded forthwith by the owner to the Secretary.

(3.) For the purpose of this regulation, "major damage," in relation to the aircraft, means—

- (a) the breakage, cracking or bending of any main structural member of the airframe;
- (b) the failure or bending of an airscrew; or
- (c) the breakage or bending of any structurally important part of an engine.

32.—(1.) When a registered aircraft in respect of which a Certificate of Airworthiness has been granted under this Part sustains minor damage, the certificate of airworthiness shall thereupon be suspended until such time as it has been inspected, repaired and certified as airworthy by a ground engineer or engineers licensed to certify to such aircraft after overhaul: Minor damage to aircraft.

Provided that the aircraft may be flown, before being so certified, if necessary for the purpose of being taken to the nearest place where it can be properly repaired and no persons other than the crew are carried during any such flight.

(2.) The certificate of the ground engineer or engineers shall be forwarded forthwith by the owner of the aircraft to the Secretary.

(3.) For the purpose of this regulation, "minor damage," in relation to an aircraft, means such damage to any structurally important part of the aircraft or its accessories as is not included within the meaning of the expression "major damage" as defined in regulation ~~31~~.

33. During the period of suspension of any certificate of airworthiness, the certificate shall be deemed to be void. Effect of suspension of Certificate of airworthiness.

34.—(1.) Every overhaul, modification, or repair of a nature likely to affect the safety of an aircraft in respect of which a Certificate of Airworthiness has been granted under this Part shall be made by or under the supervision of a ground engineer licensed to certify to such work. Overhauls, &c., to be made under supervision of licensed ground engineers.

(2.) The ground engineer shall, after the overhaul, modification or repair of an aircraft, be required to certify to the airworthiness of the aircraft, aircraft engine, part or accessory, as the case may be.

35.—(1.) The Board may, on compliance with such conditions as it directs, grant to competent persons licences to act as ground engineers for the purposes of this Part. Licensing of ground engineers.

(2.) Licences under this regulation may be granted for any or all of the following purposes:—

- A. Inspection and certification of aircraft after overhaul.
- B. Inspection and certification of aircraft engines after overhaul.
- C. Inspection, maintenance and certification of aircraft before flight.
- D. Inspection, maintenance and certification of aircraft engines before flight.
- X. Other duties as specified in the licence.

(3.) A ground engineer's licence may be limited to such particular type or types of aircraft or aircraft engines as the Board directs.

36.—(1.) An applicant for a ground engineer's licence shall—

- (a) be at least 21 years of age;
- (b) have passed an approved technical examination; and
- (c) produce satisfactory evidence of such practical experience or knowledge and experience as is prescribed.

Qualifications for ground engineers.

(2.) Unless the Board otherwise directs, it shall be necessary for an applicant for a licence for purpose A, B, C or D mentioned in the last preceding regulation to have had satisfactory practical experience for at least two years in aircraft construction, aircraft engine construction, aircraft maintenance or aircraft engine maintenance, respectively.

(3.) An applicant for a licence for purpose X mentioned in the last preceding regulation shall have such knowledge and experience as, in the opinion of the Board, enables him to perform satisfactorily the duties for which the licence is required.

37. Aircraft, aircraft engines, parts and accessories, which have been inspected and certified in pursuance of these Regulations by a licensed ground engineer, or any repair, overhaul or modification performed or certified by a licensed ground engineer, may be examined by a person or persons authorized by the Board, and, if it appears to the Board, after considering the report of such examination, that the certification, repair, overhaul or modification was not carried out in a careful and competent manner by the licensed ground engineer, the Board may cancel, suspend or endorse the licence of the ground engineer. Cancellation, suspension or endorsement of ground engineers' licences.

38. A ground engineer's licence shall, subject to these Regulations, remain in force for a period of twelve months and may be renewed from time to time for any period not exceeding twelve months. Duration of licence.

39.—(1.) Whenever the Board considers it necessary, it may require a licensed ground engineer to undergo re-examination. Re-examination of licensed engineer.

(2.) If the result of such examination is unsatisfactory, the Board may cancel or suspend the ground engineer's licence.

(3.) Where the licence of any ground engineer is suspended or cancelled in pursuance of this regulation, he may at any time thereafter apply for re-examination and, if the result of the re-examination is satisfactory, his licence may be restored or the suspension removed.

PART VI.—CERTIFICATES OF COMPETENCY AND LICENCES.

40. A person shall not act as the commander, pilot, navigator, air engineer or radio operator of an aircraft registered in Australia unless he is the holder of a certificate of competency and a licence, in respect of the capacity in which he is so acting, issued or rendered valid in pursuance of these Regulations. Personnel to be licensed.

41.—(1.) The Board may issue certificates of competency and licences required for the purposes of these Regulations and may renew such certificates and licences from time to time. Grant or renewal of licences.

(2.) Every licence issued or renewed in pursuance of this regulation shall be subject to compliance with the conditions laid down in Annex E to the Convention, and to such other conditions as the Board directs.

42. For the purposes of these Regulations, there shall be the following classes of licences in respect of personnel, namely:— Classification of licences.

(a) In the case of pilots—

- (i) A class “A” (private) pilot’s licence, being a licence to fly private aircraft; and
- (ii) A class “B” (commercial) pilot’s licence, being a licence to fly public transport and aerial work aircraft;

(b) In the case of navigators—

- (i) A first class navigator’s licence; and
- (ii) A second class navigator’s licence; and

(c) In the case of radio operators—

- (i) A first-class radio-telegraph operator’s licence;
- (ii) A second-class radio-telegraph operator’s licence;
- (iii) A third-class radio-telegraph operator’s licence; and
- (iv) A radio-telephone operator’s licence.

43.—(1.) A licence granted under this Part shall remain in force for such period, not exceeding that specified in this regulation or in any directions issued by the Board, as is specified in the licence. Duration of licences.

(2.) A licence may be renewed from time to time.

(3.) Subject to these Regulations, licences shall remain in force for the following periods:—

- (a) In the case of class “A” (private) pilot’s licences—not exceeding 12 months;
- (b) In the case of class “B” (commercial) pilot’s licences—not exceeding 6 months, if the holder is a male and not exceeding 4 months if the holder is a female;
- (c) In the case of navigator’s licences—not more than 24 months; and
- (d) In the case of radio operator’s licences—not more than 24 months.

44. The following provisions shall apply with respect to the age of applicants for the grant of any of the undermentioned licences, namely:—

- (a) An applicant for a class "A" (private) pilot's licence shall not be less than 17 years of age;
- (b) An applicant for a class "B" (commercial) pilot's licence shall not be less than 19 years nor more than 45 years of age;
- (c) An applicant for any navigator's licence shall not be less than 19 years nor more than 50 years of age; and
- (d) An applicant for any radio-operator's licence shall not be less than 19 years of age.

45. A person who does not hold a class "B" (commercial) pilot's licence issued or validated under these Regulations shall not at any time fly a public transport or aerial work aircraft.

46. An applicant for a class "A" (private) pilot's licence shall—
- (a) pass a medical examination in accordance with the requirements of Section IV. of Annex E to the Convention;
 - (b) pass such practical flying tests and theoretical examinations as are directed by the Board in accordance with the requirements of Section V. of Annex E to the Convention; and
 - (c) produce proof that he has had satisfactory recent flying experience in the type of aircraft for which a licence is required.

47. An applicant for the grant of a class "B" (commercial) pilot's licence shall—

- (a) pass a medical examination in accordance with the requirements of section IV. of Annex E to the Convention;
- (b) pass such practical flying tests and theoretical examinations as are directed by the Board in accordance with the requirements of Section V of Annex E to the Convention; and
- (c) produce proof—
 - (i) that he has had satisfactory recent flying experience in the type of aircraft for which a licence is required; and
 - (ii) that he has completed one hundred hours flying in sole charge of an aircraft.

48. If the holder of a class "B" (commercial) pilot's licence completes one hundred hours flying or more in the aggregate within any period of less than thirty days he shall undergo a further medical examination forthwith, and he shall not fly any aircraft thereafter until he is informed by the Secretary, by notice in writing, that the medical examination shows him to be medically fit.

49. An applicant for the renewal of any pilot's licence shall—

- (a) pass a medical examination as required by section IV. of Annex E to the Convention; and
- (b) produce proof that he has had satisfactory recent flying experience.

Age of applicants.

Pilots of public transport or aerial work aircraft to have class "B" pilot's licence. Qualifications of applicants for class "A" (private) pilot's licence.

Qualifications of applicants for class "B" (commercial) pilot's licence.

Further medical examination of class "B" pilots.

Renewal of pilots' licences.

50. An applicant for a navigator's licence shall—

- (a) pass a medical examination as required by section IV. of Annex E to the Convention; and
- (b) pass such practical tests and theoretical examination as are required by Annex E to the Convention.

Qualifications of applicants for navigators' licences.

51. Applicants for radio-telegraph operators' licences and radio-telephone operator's licences shall comply with such conditions as the Board directs in accordance with the requirements of Section V. of Annex E to the Convention.

Qualifications of applicants for licences other than pilots' and navigators'.

52.—(1.) An applicant for authorization as a flying instructor shall—

Flying instructors.

- (a) be the holder of a valid class "B" (commercial) pilot's licence;
- (b) have completed at least 300 hours flying in sole charge of an aircraft; and
- (c) have passed such practical flying tests and theoretical examinations as are directed by the Board.

(2.) An authorization to give practical instruction in flying shall remain in force for a period not exceeding 12 months and may be renewed under such conditions and for such period as the Board directs.

53.—(1.) A pilot's licence shall be granted only for such types of aircraft as the applicant has produced evidence of his ability to fly.

Pilots' licences to be in respect of particular types only.

(2.) The types of aircraft for which a licence is valid shall be specified in the licence.

(3.) The holder of a pilot's licence in respect of any particular type of aircraft may apply to have any other type of aircraft specified in his licence.

(4.) Every such holder who applies to have any other type of aircraft specified in his licence shall produce evidence to the satisfaction of the Board of his ability to fly such other type.

54.—(1.) Every medical examination under this Part shall be conducted by an approved medical practitioner in accordance with the requirements of the Board and of Section IV. of Annex E to the Convention.

Medical examinations.

(2.) The holders of licences under this Part may be required from time to time to undergo such medical examinations as the Board directs.

55.—(1.) In the event of any licensed pilot becoming injured or ill to such an extent that the services of a medical practitioner are sought or are necessary, the pilot shall forthwith furnish to the Secretary a report from a medical practitioner upon the injury or illness, and shall not fly any aircraft thereafter until he receives a notice in writing from the Secretary that medical examination shows him to be medically fit.

Illness or injury of pilots.

(2.) The licence of the pilot shall be and become suspended from the time of the injury or illness until the receipt of the notice referred to in the last preceding sub-regulation.

56. When a licence has been granted by the competent authority in any other country and is for the time being in force, the Board may, if satisfied that the holder of the licence has complied with the

Licences granted by authorities outside the Commonwealth.

provisions of the Convention, subject to such conditions and limitations and for such period as it directs, confer on such licence the same validity for the purpose of flying Australian aircraft as if it had been granted under these Regulations.

PART VII.—LOG-BOOKS.

57.—(1.) The following log-books shall be kept, in accordance with the requirements of Annex C to the Convention in respect of every registered aircraft— Log-books to be kept.

- (a) a journey log-book; and
- (b) in the case of aircraft carrying passengers or goods for hire—
 - (i) an aircraft log-book;
 - (ii) an engine log-book in respect of each engine installed, or intended to be installed, in the aircraft; and
 - (iii) a signal log-book.

(2.) Every licensed pilot shall keep a pilot's log-book.

58. Log-books shall be in accordance with such form as is approved by the Board. Form of log-books.

59. Log-books shall be kept up to date and all entries shall be in ink. Manner of keeping log-books.

60. A log-book shall be produced upon demand by an authorized officer. Production of log-books.

61. Log-books shall be preserved for at least two years after the date of the last entry therein. Preservation of log-books.

PART VIII.—AERODROMES.

62.—(1.) The proprietor of any place in any Territory shall not permit it to be used as an aerodrome open to public use unless it has been licensed for the purpose by the Board and the conditions of the licence are complied with. Use of places as aerodromes.

(2.) This regulation shall not apply to—

- (a) Royal Australian Air Force aerodromes; or
- (b) aerodromes under the control of the Board the use of which is sanctioned by the Board provided the directions of the Board as to the use of those aerodromes are complied with.

63. The tariff of charges, including charges for landing and length of stay at any aerodrome open for public use, shall be applicable alike to Australian aircraft and to aircraft possessing the nationality of any Contracting State. Charges at aerodromes.

PART IX.—RULES AS TO LIGHTS AND SIGNALS AND RULES FOR AIR TRAFFIC.

64.—(1.) Except as otherwise provided therein, the rules contained in Annex D to the Convention shall be complied with by all aircraft flying above the limits of Australian territory. Compliance with Rules as to lights, &c.

(2.) Any person who fails to comply with any such rule shall be guilty of an offence against these Regulations.

PART X.—INTERNATIONAL AIRWAYS.

65. An aircraft arriving in, or departing from, the Commonwealth or a Territory shall comply with such of the provisions of these Regulations as are applicable to the case. Aircraft arriving from, or leaving for, overseas.
66. Every aircraft when entering or leaving the Commonwealth or a Territory shall comply, in so far as those provisions are applicable, with the provisions of the laws for the time being in force in the Commonwealth or that Territory with respect to the Customs and to quarantine and immigration. Compliance with laws as to Customs, quarantine and immigration.
67. An international airway shall not be established or a regular international air navigation line operated through or into the Commonwealth or a Territory without the prior authorization of the Minister. Establishment of international airways.

PART XI.—GENERAL PROVISIONS AS TO LICENCES, CERTIFICATES AND AUTHORITIES.

68. Applications for the grant or renewal of licences, certificates and authorizations required under these Regulations shall be made to the Secretary and shall be accompanied by such of the fees prescribed in the Schedule to these Regulations as are applicable to the case. Applications for licences, &c., and fees.
69. Unless the Board otherwise directs, a licence or certificate required under these Regulations shall not be granted to any person who is not a British subject. Licences, &c., not to be granted to aliens.
- 70.—(1.) Notwithstanding anything contained in these Regulations, any certificate, licence or authorization granted or issued under these Regulations may, on sufficient ground being shown to its satisfaction and after due inquiry, be cancelled, suspended or endorsed by the Board: Cancellation, suspension and endorsement of certificates, licences, &c.
- Provided that the Board may, in any case in which it thinks it desirable so to do, suspend any such licence temporarily and provisionally pending the holding of an inquiry.
- (2.) The conditions attached to any certificate of airworthiness may be varied by the Board if it is satisfied that those conditions may properly be relaxed, or that reasonable doubt exists as to whether those conditions afford a sufficient margin of safety.
- (3.) Where any person who is the holder of a certificate of registration granted under these Regulations in respect of an aircraft is convicted of any offence against these Regulations with respect to that aircraft, the Board may cancel or suspend the certificate of registration.
- (4.) The Board may vary or cancel the particulars of any matter entered by it, or on its authority, in or on any licence or certificate granted under these Regulations.
- (5.) The Board may by notice in writing require the holder of any licence, certificate or other document granted or issued under these Regulations or any person having the possession or custody of any such licence, certificate, or document to surrender to the Board, within the time specified in the notice, any such licence, certificate or document for cancellation, suspension, endorsement or variation in accordance with the provisions of these Regulations.
- (6.) Any person who fails to comply with any such requirement within the time so specified shall be guilty of an offence against these Regulations.

71. The Commonwealth or the Board shall not be liable for any expense incurred, or claims made, because or arising out of the cancellation or suspension of any certificate or licence or authorization issued by the Board under these Regulations.

Liability for claims arising out of the cancellation or suspension of certificates.

PART XII.—MISCELLANEOUS.

72. Any authorized person shall, at all reasonable times, have access to any place to which access is necessary for the purpose of carrying out his powers and functions under these Regulations, and, in particular—

Access of authorized persons to aerodromes, aircraft, &c.

- (a) shall have access at all times to any aerodrome licensed under these Regulations for the purpose of inspecting the aerodrome;
- (b) shall, during the construction, overhaul, modification or repair of an aircraft to which these Regulations apply, have access at all times during working hours to—
 - (i) those portions of the workshops in which the aircraft or any part thereof is being constructed, overhauled, modified, repaired or assembled; and
 - (ii) the drawings of the aircraft or any such part, for the purpose of inspecting the aircraft or part, or the plans thereof; and
- (c) shall, at all reasonable times, have access to any aircraft for the purpose of inspecting the aircraft.

73. Aircraft registered in Australia shall comply with the provisions of Annex E to the Convention relating to the number and description of the operating crew to be carried.

Personnel to be carried.

74. There shall be carried and maintained in working order in every aircraft registered in the Commonwealth, when flying, such instruments and equipment applicable to the class or description of the aircraft as are required by the Convention or directed by the Board.

Instruments and equipment to be carried.

75. Every aircraft registered in Australia shall bear clearly painted upon it in a prominent position marks indicating—

Weight of aircraft to be painted.

- (a) the weight thereof when empty (including water in radiators) as ascertained at its last previous weighing; and
- (b) the maximum total weight authorized for it, as shown for the time being in its certificate of airworthiness.

76.—(1.) Before commencing any flight, the pilot or commander of any aircraft shall satisfy himself that—

Precautions prior to flying.

- (a) the aircraft is equipped with the prescribed instruments and equipment;
- (b) the aircraft and its instruments and equipment are fit in every way for the proposed flight;
- (c) the aircraft is satisfactorily loaded for safety in flight and does not carry more than the load specified in the certificate of airworthiness;
- (d) the view of the pilot is not interfered with by any obstruction not forming part of the structure of the aircraft; and
- (e) sufficient fuel, oil and water are carried for the proposed flight.

(2.) A public transport aircraft employed on a regular public service shall not commence any flight unless, in addition to the requirements of the last preceding sub-regulation being complied with in respect of the aircraft—

(a) the person superintending the loading of the aircraft for that flight has completed a load-sheet in an approved form; and

(b) the load-sheet has been examined and certified to by the pilot or commander.

(3.) Any such load-sheet shall, on demand, be produced for inspection by any authorized person.

(4.) For the purpose of this regulation, an aircraft shall be deemed to be employed on a regular public service if it is in use on a regular line or service of public air transport.

83.—(1.) One copy of every certificate mentioned in regulation 29 shall—

Custody of
certificates
and load-sheets.

(a) if the certificate was signed by a ground engineer in the employment of the owner of the aircraft, be retained by the owner; or

(b) if the certificate was signed by an engineer not in such employment, be sent by the person in charge of the aircraft to the owner,

and shall in either case be kept by the owner for six months from the date of the certificate.

(2.) The duplicate copy of every such certificate shall be carried in the aircraft until a further certificate under that regulation is issued, when it shall be sent by the pilot or commander of the aircraft to the owner to be kept by him until the expiration of the period of six months from the date of the certificate.

(3.) Every load-sheet which has been examined and certified, in accordance with regulation 76, by the pilot or commander of an aircraft shall be sent by the pilot or commander to the owner of the aircraft who shall keep the load-sheet for six months from the date of the completion of the load-sheet.

77. Except in pursuance of an authority granted under the next succeeding regulation, no article or ballast (other than fine sand or water) shall be dropped or permitted to be dropped from any aircraft in the air.

Articles, ballast,
&c., not to be
dropped except
with authority.

78. The Board may, subject to such conditions as it thinks fit, authorize the dropping of packages or other articles from aircraft in the air.

Authority to
drop packages,
&c.

79. Except for the purposes permitted under Annex D to the Convention—

Carriage of
explosives.

(a) an aircraft engaged in international navigation shall not carry explosives of war, arms of war or munitions of war; and

(b) a foreign aircraft shall not carry explosives of war, arms of war or munitions of war between any two points within the Commonwealth or a Territory.

80.—Every registered aircraft shall, when flying, carry the following documents with respect to the aircraft or the crew thereof— Documents to be carried.

- (a) the certificate of registration;
- (b) the certificate of airworthiness;
- (c) the licences of the operating crew;
- (d) log-books in accordance with Annex C to the Convention;
- (e) any licence to use wireless apparatus in the aircraft;
- (f) a list of the names of any passengers carried; and
- (g) the bills of lading and manifest in respect of any goods carried.

81.—(1.) Any person required under these Regulations to be the holder of a licence shall, on demand, produce his licence and, in the case of a pilot, his pilot's log-book, for inspection by any person authorized for the purpose by the Board. Production of licences, certificates and log-books.

(2.) The owner, hirer and person in charge of any aircraft shall, on demand, produce or cause to be produced for inspection by any person authorized for the purpose by the Board, any certificates, licences or log-books relating to the aircraft and, if it carries passengers or goods, the list of names of the passengers or the bills of lading and the manifest, respectively.

82. The owner of any aircraft shall furnish to the Board such statistical returns or other particulars relating to the aircraft and the crew thereof, to passengers and goods carried, and to journeys made by the aircraft as the Board from time to time requires. Returns.

83. The Minister may by notice published in the *Gazette* declare any area to be a prohibited area for the purpose of these Regulations. Prohibited areas.

84.—(1.) An aircraft shall not fly over any prohibited area.

(2.) If the person in charge of any aircraft finds that the aircraft is above a prohibited area, he shall, as soon as possible, after becoming aware of the fact, give the signal of distress provided for in paragraph 17 of Annex D to the Convention and land at one of the nearest aerodromes outside the prohibited area. Flights over prohibited areas forbidden.

85. Nothing in these Regulations shall be construed as conferring on any aircraft, as against the owner of the land or any person interested therein, the right to alight on that land, or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the aircraft. Alighting on private property.

86. The issue of a licence or certificate by the Board under these Regulations shall not relieve the licensee or holder of the certificate of any responsibility for any infringement by the licensee or holder of the certificate of any patent for an invention, but an aircraft which possesses the nationality of a contracting State shall be exempt from seizure on the ground of infringement of patent, design or model, subject to the deposit of security the amount of which, in default of amicable agreement, shall be fixed with the least possible delay by the competent authority. Patent rights.

THE SCHEDULE.

Regulation 73.

FEES.

REGISTRATION OF AIRCRAFT.

1. The fees payable in respect of the grant or transfer of a certificate of registration of an aircraft shall be £1 1s.

AIRWORTHINESS OF AIRCRAFT.

2.—(1.) The fee payable for the grant of a certificate of type approval for a complete aircraft shall be £5 5s.

(2.) The fee payable for the grant of a certificate of airworthiness shall be £1 1s.

PERSONNEL.

3.—(1.) The following fees shall be payable in respect of the grant and renewal of licences to personnel:—

For Licence as—	For the Technical Examination—	For each Flying Test—	For Licence—	For each Renewal—
	£ s. d.	£ s. d.	s. d.	s. d.
Navigator (either class) ..	2 2 0	..	5 0	5 0
Class “ A ” (private) Pilot ..	..	1 1 0	5 0	5 0
Class “ B ” (commercial) Pilot ..	..	1 1 0	5 0	5 0
Radio Operator .. ..	..	..	5 0	5 0

(2.) In addition to the fee payable for the grant of a pilot's licence, a fee of £2 2s. shall be payable for the theoretical and practical examination with respect to an authorization to give practical instruction in flying.